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**JUN 16 2006**

**OFFICE OF PETITIONS**

In re Application of Johnson :  
Application No. 09/893,009 : Decision on Petition  
Filing Date: June 28, 2001 :  
Attorney Docket No. HAR63 610 :

This is a decision on the petition under 37 CFR 1.181, filed April 21, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

Facts:

A Notice of Allowance was mailed December 1, 2005. The Notice required payment of the issue fee and publication fee.

On February 15, 2006, petitioner submitted \$1,400 for the issue fee, \$300 for the publication fee, and \$18 for six patent copies.

Unfortunately, the PTOL-85b Fee Transmittal form contained a typographical error. The form listed the application number as 09/983,009.

The fees were applied to the incorrect application.

On or about April 14, 2006, the Office recognized the instant application's record failed to indicate receipt of the issue fee and publication fee. A Notice of Abandonment was mailed on April 14, 2006.

Discussion:

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

Petitioner has met requirements (1) and (2) listed above.

The fees paid on February 15, 2006, will be appropriately applied and credited to the instant application.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Publications will be informed of the instant decision and will issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions